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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Kevin L. GUNDERSON *et al.*) Confirmation No.: 3919
)
Application No.: 09/394,230) Group Art Unit: 1634
)
Filed: September 13, 1999) Examiner: B. Forman
)
For: Nucleic Acid Analysis Using)
Complete N-Mer Arrays)

□

Mail Stop AMENDMENT
U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

TRANSMITTAL OF RESPONSE

Enclosed are the following documents in response to the Non-Responsive letter mailed November 15, 2005 for the above-identified application:

- ☒ Amendment/Response (12 pgs.)
- ☒ Return receipt postcard
- ☐ Check No. ___ in the amount of \$ ___ for the total fee as calculated below
- ☐ Other:

The fee has been calculated as follows:

| | NO. OF CLAIMS | | EXTRA CLAIMS | RATE | FEE |
|---|---------------|--------|--------------|------------|---------------|
| Total Claims | 17 | - 20 = | 0 | x \$50.00 | \$0.00 |
| Independent Claims | 2 | - 3 = | 0 | x \$200.00 | \$0.00 |
| If multiple dependent claims are presented, add \$360.00 | | | | | |
| Total Amendment Fee | | | | | \$0.00 |
| If small entity status is applicable, subtract 50% of Total Amendment Fee | | | | | |
| Other fees: (specify) | | | | | |
| TOTAL FEE DUE | | | | | \$0.00 |

☐ A check for the total fee is attached.

☐ Please charge \$ to Deposit Account No. (PA) 03-3117 (RE) 50-1283 for the total fee. This paper is being submitted in duplicate.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 50-1283.

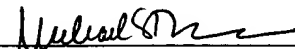
Dated: December 15, 2005

Respectfully submitted,
COOLEY GODWARD LLP

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By:


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|----------------------------------|---|------------------------|
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RESPONSE TO NON-RESPONSIVE LETTER
AND RESUBMISSION OF AMENDMENT UNDER 37 C.F.R. § 1.111

Commissioner of Patents and Trademarks
U.S. Patent and Trademark Office
Customer Window,
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

This paper responds to the Office non-responsive letter dated November 15, 2005, which was given a shortened statutory period of ONE MONTH or thirty days. Since time for response to the letter expires on December 15, 2005, this response is timely filed.

In the non-responsive letter, the Examiner alleges that Applicants' response filed on August 30, 2005 is not fully responsive to the prior Office Action because the response refers to claim amendments but the claim listing does not include a marked up version of amended claims. The Examiner concludes that the response is incomplete. Applicants submit that the response of August 30, 2005 is fully responsive to the previous Office Action except for a typographic error in the last sentence of the second paragraph at page 5. The sentence reads "Claim 1 has been amended to merely add "a" before "first" and "second" in steps (b) and (c)," The term "Claim 1" should be "Claim 12." The inadvertent omission of number "2" in the term is evident in that claim 1 in the claim listing is labeled as "previously presented" and not amended whereas claim 12 is labeled as "currently amended" and amended in accordance with the remarks in the

aforementioned sentence. Applicants have corrected the typographic error and the August 30, 2005 response to the prior Office Action is resubmitted as follows:

In response to the non-final Office Action, dated March 30, 2005, please consider the following remarks intended to place the application in condition for allowance. Reconsideration of this application is respectfully requested. Applicants also submit herewith a Petition for Extension of Time extending the period for timely response to the final Office Action two months from June 30, 2005 until August 30, 2005.

Amendments to the Claims begin on page 3 of this paper.

Remarks begin on page 6 of this paper.